

## REMARKS

1. Applicant hereby confirms the provisional election of Group I, Claims 1 – 32 and 67 – 76 made by telephone on June 6, 2002.

2. The Examiner objects to the Abstract on the ground that it exceeds the permissible length of 150 words, and was not submitted on a separate sheet from the remaining application papers. Responsive thereto, Applicant provides herewith a new Abstract that conforms to the Rules of Practice. As such, the objection is deemed to be overcome.

3. Claims 1, 2, 14, 15, 26, 27 30 and 31 stand rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 6,343,318 ("Hawkins") in view of U.S. Patent No. 5,911,687 ("Sato"). To distinguish the Claimed invention from the cited art more thoroughly, Applicant has amended Claim 1 to describe the patient query message received as "comprising said processed, received educated query message and an attached medical profile." Support for the amendment is found in the application at page 29, line 6 to line 7 (in the PCT specification, WO 01/24098). Thus, for the purposes of the invention, "processing" merely involves data collection and routing; the educated query originating from the patient-operated computer undergoes no conversion from one protocol to another, and no new query is formulated, as in Hawkins. The physician merely receives the original query, with additional information attached that summarizes the patient's medical history, thus eliminating or minimizing the necessity of consulting the patient's chart prior to responding to the query. There is no teaching or suggestion in the references, either separately or together, of attaching a patient profile to a query.

The Examiner suggests that the physician-operated computer of the Claimed invention reads on Hawkins's web server. Applicant respectfully disagrees. Hawkins describes a system having a distributed web site (Col. 3, line 32 to line

33). The web server is shown as an essential component. In fact, it is commonly known that a web server functions to serve HTML files in response to requests from clients. The physician-operated computer serves no such function. The physician-operated computer of the invention directs a response to a patient query, at the instigation of the operator. There is no indication that the physician-operated computer is a server, or serves the function of a server. It can only reasonably be seen as a client that is responsive to the intervention of its human operator. Thus, replacing a web server with such a device in an HTTP environment would render the system inoperative, unsuited to its original intended use.

Accordingly, the rejection of Claim 1 and all Claims depending therefrom under 35 USC § 103(a) is deemed overcome.

4. In view of the foregoing, all further rejections of Claims 1 – 32 under 35 USC § 103(a) are rendered moot.

5. Claims 67 and 68 stand rejected under 35 USC § 103(a) as being unpatentable over Hawkins, in view of Sato, and further in view of U.S. Patent No. 5,825,881 ("Colvin"), and further in view of U.S. Patent No. 6,256,613 ("Falchuk"). To distinguish the Claimed invention from the prior art more thoroughly, Claim 67 has been amended to incorporate the subject matter of Claim 68, and further amended to describe the medical query message as "comprising said educated query message and an attached medical profile." As above, there is no teaching or suggestion in the references, either separately or together, of attaching a medical profile to a patient query. Claim 68 has been cancelled from the application, and Claim 69 has been amended to correct its dependency in view of the amendment to Claim 67. The rejection of Claim 67 and all Claims depending therefrom 35 USC § 103(a) is deemed overcome.

6. In view of the foregoing, all further rejections of Claims 67 – 76 under 35 USC § 103(a) are rendered moot.

### CONCLUSION

Based on the foregoing, the Application is deemed to be in allowable condition. Therefore, the Examiner is respectfully requested to withdraw all rejections and allow the Application to pass to issue as a U.S. Patent. Should the Examiner have any questions regarding the Application, he is urged to contact the Applicant's attorney at the telephone number supplied below.

Respectfully submitted,



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## AMENDMENT (MARKED-UP COPY)

Please cancel the present Abstract from the Application, and insert the following in its place:

A method of network-based messaging involves physician, patient and workflow engine. Physician and patient both operate computers capable of receiving and sending at corresponding network addresses. The workflow engine receives and sends messages at a corresponding network address. The patient uses a message wizard on his computer, the workflow engine performs a medical profiler process and the physician operates a message wizard on his computer. A further method of network-based messaging involves service provider, client and service-flow engine. Service-provider and client both operate computers capable of receiving and sending at corresponding network addresses. The service-flow engine receives and sends messages at a corresponding network address. The client uses a service message interface on his computer, the service-flow engine performs a service-flow process, and the service-provider uses a service message interface on his computer.

## AMENDMENT (MARKED-UP COPY)

### In the Claims:

1. (Amended) A method of messaging upon a network implementing a messaging protocol involving at least one physician, each operating a computer from time to time capable of receiving and sending messages upon said network at a corresponding physician address on said network, at least one patient, each operating a computer from time to time capable of receiving and sending messages upon said network at a corresponding patient address on said network, and a workflow engine accessing said network capable of receiving and sending messages upon said network at least one workflow engine address on said network, comprising;

using a first medical message wizard by said patient on said patient operated computer further comprising;

generating an educated query message; and

sending said educated query message to one of said workflow engine addresses; and

performing a medical profiler process by said workflow engine further comprising

receiving said educated query message at said workflow engine address;

processing said received educated query message, to create a processed, received educated query message;

generating a patient message log entry in a medical profile of said patient from said processed, received educated query message;

generating a patient medical query message from said processed, received educated query message, said patient medical query message comprising said processed, received educated query message and an attached medical profile; and

sending said patient medical query message to a first physician with said corresponding physician address; and  
using a second medical message wizard by said first physician on said first physician operated computer at said corresponding physician address further comprising:

- receiving said patient medical query message;
- processing said received patient medical query message, to create a processed, received patient medical query message;
- generating a physician-viewable patient medical query message from said processed, received patient medical query message; and
- displaying said physician-viewable patient medical query message.

67. (Amended) A computer program residing on a computer readable medium accessible by a workflow engine computer system communicating with a network, said network further communicating with at least one patient operated computer and further communicating with at least one physician operated computer comprising;

- code for receiving an educated query message from a first of said patients via said patient operated computer and generating a patient message log entry in a medical profile of said first patient; [and]

- code for receiving a patient response message from a first of said physicians based upon said educated query message from said first patient and generating a physician response log entry in said medical profile of said first patient; and

- code for generating a first patient medical query message from said first patient, said patient medical query message comprising said educated query message and an attached medical profile and sending said first patient medical query message to said first physician.

69. (Amended) A computer program residing on a computer readable medium accessible by a workflow engine computer system communicating with a network, said network further communicating with at least one patient operated computer and further communicating with at least one physician operated computer, as recited in claim 6[8]7;

wherein code for generating a first patient medical query message based upon said received educated query message from said first patient and sending said first patient medical query message to said first physician further comprises code for determining said first physician based upon said received educated query message from said first patient.

Please cancel Claim 68 from the application.